

UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

[illegible]

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-21-72	Application to proceed without payment of costs, filed. ds	
3-23-72	Order of Court, that petitioner is permitted to prosecute without prepayment of fees or costs, filed. r (FD-J)r	
3-23-72	Petition for Hearing of Constitutionality of Okla. Statute, T. 57 O.S. Supp. Sec. 138, Under 28 U.S.C., Chapter 155, Sec. 2281, 2283, 2284 or 42 U.S.C., Sec. 1983, filed. r	
3-24-72	Summons issued.	
3-31-72	U.S. Marshals Return on Summons, filed. Served State of Okla. by serving Atty. Gen., in Okla. City, Okla., on 3-28-72, with fees of \$4.72.v	
4-4-72	Return of Marshal's service of summons, filed. Served Warden by serving sec. at McAlester on 3/31/72 (USM \$20.08) rm	
5-4-72	Respondent granted 15 days from date to file response. (JHP-Clerk)hm	
5-8-72	Answer of def., filed. rm	
6-6-72	Order filed, denying Pltf's request for a 3-Judge Court. Filed. (FD-J)r (copies mailed)	
6-20-72	Case set for Pre-Trials on Thurs., July 13, 1972 @10:00 A.M. (FD-J)r	
7-12-72	Petition for writ of Habeas corpus ad-testificandum, filed. r	
7-13-72	Case called for P-T hearing. Pltf was not present; deft rep. by Fred Anderson and Paul Crowe. Court excuses Pre-Trial Conference, (FD-J)r	
7-25-72	Order filed, denying the Petition for Writ of H.C. Ad-Testificandum, as being moot inasmuch as the Court has excused a Pre-Trial Conf in this case. filed. (FD-J)r (copies mailed)	
8-25-72	Case set for non-jury trial 9-19-72 at 1:30 p.m. (FD-J)hm	
9-6-72	Letter filed, from Petitioner regarding the Non-Jury Trial & transportation, filed. r	
9-6-72	Letter filed, from J. D. stating that petitioner must make arrangements w/the U.S. Marshal for transportation to appear in n-j trial. Filed. r	
9-7-72	Acknowledgement of Mr. Sutton, that he did receive letter from J. D. regarding the transportation to appear at n-j trial of 9-19-72, filed. r	
9-8-72	Waiver of Venue and Motion for Summary Judgment, with brief in support, filed. v	
9-15-72	Order for Writ of H.D. ad testificandum, filed. (FD-J)r (Copies mailed)	
9-15-72	Order filed, denying Motion of defts for S/J, filed. (FD-J)r (Copies mailed)	
9-15-72	Order filed, denying Pltf's request that this case be maintained as a class action, filed. (FD-J)r (Copies mailed)	
9-19-72	Case called for Non-Jury trial. Petitioner was not present & not rep. Deft. rep by Yvonne Sparger & Kay Keren Kennedy (both admitted for the purpose of this case) Petitioner is in default, therefore, the Court dismisses Pltf's Action under the Civil Rights Act, for failure to prosecute and basis w/o merit, (FD-J)r	
9-19-72	Order of Dismissal, filed and entered, that Pltf's Action is dismissed, for failure of Pltf to prosecute & for further reason that Pltf's complaint fails to assert that defts acting under color of state law, have deprived pltf of any federally protected constitutional right, filed and entered. (FD-J)r (copies mailed)	

(cont.)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-3-72	Letter from Sutton dated 9-19-72 re; transportation to trial, filed.	r
10-3-72	Letter from J. D. dated 10-2-72, stating that Sutton is in default, as Order of Dismissal stated. filed. r	
10-4-72	Petitioner's Motion for a re-hearing and reconsideration, filed. r	
10-6-72	Order filed, denying Petitioner's Motion for a re-hearing and reconsideration, filed. (FD-J)r (Copies mailed)	
10-16-72	Notice of Appeal, filed. r cpy to USCA & Atty. Gen.	
10-16-72	Appl. to proceed w/o prepayment of costs (Appeal), filed. r	
11-2-72	Petitioners Motion for a rehearing & reconsideration, filed. r	
11-2-72	Order filed. Court declines to reconisder or reopen case; and the Court declines to permit Pltff to appeal in forma pauperis and w/o payment of expenses, filed and entered. (FD-J)r (Copies mailed) (copy of order to USCA)	
2-20-73	C/C of USCA Order granting leave to proceed in forma pauperis, filed.g (Docketed as No. 73-1075)	
8-7-73	Appeal record (1 vol.) orig. + 3 cpies, sent to USCA. g	
12-3-73	Mandate & Opinion of USCA affirming judgment of 9-19-72, filed and spread of record. g	
12-4-73	Appeal record (1 vol.) rec'd. from USCA. g	

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